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**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR
 Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**NOTICE OF HEARING ON AMENDED
 MOTION FOR AUTHORITY, SUBJECT TO
 ADVANCE APPROVAL BY NEVADA
 MORTGAGE LENDING DIVISION, FOR
 FERTITTA ENTERPRISES OR ITS
 AFFILIATE TO PROVIDE AN ADDITIONAL
 ADVANCE FOR THE RIO RANCHO
 EXECUTIVE PLAZA LOAN SERVICED BY
 DEBTOR USA COMMERCIAL MORTGAGE
 COMPANY [AFFECTS DEBTOR USA
 COMMERCIAL MORTGAGE COMPANY
 AND DEBTOR USA CAPITAL FIRST TRUST
 DEED FUND, LLC]**

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC

Hearing Date: August 8, 2006
 Hearing Time: 10:30 a.m.

SCHWARTZNER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
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NOTICE IS HEREBY GIVEN that Debtors in Possession USA COMMERCIAL MORTGAGE COMPANY ("USACM") and USA FIRST TRUST DEED FUND, LLC ("First Trust Deed Fund") (collectively the "Debtors"), by and through their counsel Lenard E. Schwartzer, Esq. of the Schwartzer & McPherson Law Firm, have filed a Motion For Authority, Subject To Advance Approval By Nevada Mortgage Lending Division, For Fertitta Enterprises Or Its Affiliate To Provide An Additional Advance For The Rio Rancho Executive Plaza Loan Serviced By Debtor USA Commercial Mortgage Company (the "Motion") on August 2, 2006 and an Amended Motion For Authority, Subject To Advance Approval By Nevada Mortgage Lending Division, For Fertitta Enterprises Or Its Affiliate To Provide An Additional Advance For The Rio Rancho Executive Plaza Loan Serviced By Debtor USA Commercial Mortgage Company (the "Amended Motion") on August 3, 2006.

The Amended Motion requests that the Court authorize the Debtors to do the following:

a. Subject to the advance approval of the Division of Mortgage Lending of the Nevada Department of Business and Industry, for Debtor USACM to modify the Loan Documents for the existing loan (the "Rio Rancho Loan") serviced by USACM that has been extended to Borrower Rio Rancho Executive Plaza, LLC, a New Mexico limited liability company ("Rio Rancho" or "Borrower"), to make an additional advance of \$3,773,000 on the Rio Rancho Loan, which would increase the Loan Amount on the Rio Rancho Loan from \$2,250,000 to \$6,023,000, upon the terms and conditions set forth in the Term Sheet that is attached to the Amended Motion as Exhibit "A."

b. That with respect to the equity participation outlined in the Fertitta Offer that will be paid to the participants in the Additional Advance, that all participants in the Additional Advance will receive from, or participate in the greater of \$400,000.00 or a 50% interest, in whatever interest in any success fee or equity participation currently held by Debtor USACM in the Rio Rancho Project, and that the participants in the Additional Advance will share this equity participation among themselves (and not with Debtor USACM) on a proportionate basis, based upon their respective funding participations in the total

1 Additional Advance of \$3,773,000.00.

2 A copy of the Amended Motion and may be obtained by accessing BMC Group, Inc.'s
3 website at www.bmcgroup.com/usacmc, by accessing PACER through the United States
4 Bankruptcy Court website for Nevada at www.nvb.uscourts.gov, by contacting BMC Group at
5 telephone: (888) 909-0100, or by contacting the office of the Debtor's counsel, Ray Quinney &
6 Nebeker P.C., telephone: (801) 532-1500 or fax: (801) 532-7543.

7 If an objection is not timely filed and served, the relief requested may be granted without a
8 hearing.

9 NOTICE IS FURTHER GIVEN that the hearing may be continued without further notice.

10 NOTICE IS FURTHER GIVEN that unless otherwise indicated herein, the hearing will be
11 held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas
12 Boulevard South, Courtroom 1, Las Vegas, Nevada on **August 8, 2006 at 10:30 a.m.**

13 Respectfully submitted on August 4, 2006.

14
15 /s/ Jeanette E. McPherson

16 Lenard E. Schwartz, Nevada Bar No. 0399

17 Jeanette E. McPherson, Nevada Bar No. 5423

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